IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 20752 of 2004

Between:

Mohd. Osman Khan, s/o Ahmed Khan,

Aged 40 years, Conductor E-111331,
r/o Hyderabad.

..... PETITIONER

AND

The Depot Manager, APSRTC, Midhani Depot, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the Proc.No. 02/95(26)/2004-MDN Dated 2-11-2004 issued by the Respondent placing the petitioner under suspension with immediate effect as arbitrary, illegal, without application of mind, on trivial allegations, no public interest is involved, contrary to law, contrary to circulars issued from time to time, and also in violation of Articles 14 and 21 of the Constitution of India consequently set aside the same.

For the Petitioner: MR.P.SRIDHAR RAO, Advocate

For the Respondent: MR.V.T.M.PRASAD, SC for APSRTC

The Court made the following:

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ORDER:

The petitioner is working as a Conductor in the respondent Corporation. He joined in the respondent Corporation in 1986. There was an allegation against him that he collected Rs.2/- from a passenger and failed to issue ticket to him. A charge was framed against him and he was kept under suspension, through the proceedings dated 02.11.2004, issued by the respondent, without conducting any enquiry. Therefore, he approached this Court, through this writ petition, seeking to declare that the proceedings of the respondent dated 02.11.2004 as illegal and arbitrary.

2. Keeping an employee under suspension is not an automatic act that is to be exercised by the concerned authority. The irregularity attributed to the petitioner is not such a grave one, which warrants suspension, and the public interest is not likely to suffer if the petitioner is not suspended. Since the charge leveled against the petitioner is not such a grave one, it would be proper to raise the suspension order, passed against the petitioner, by allowing enquiry to be conducted according to the rules.

3. In the result, the suspension order passed against the petitioner dated 02.11.2004 is raised. This order will not preclude the respondent from proceeding with the enquiry that is to be conducted against the petitioner, on the basis of the charge memo, and pass appropriate orders, according to rules.

4. The Writ Petition is, accordingly, disposed of. No order as to costs.

dsr

ASSISTANT REGISTRAR

To

1. The Depot Manager,

APSRTC, Midhani Depot,

Hyderabad

2. Two CD copies.